

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA**

**UNITED STATES OF AMERICA,**

**Plaintiff,**

**vs.**

**JOLYN SCHMELING,**

**Defendant.**

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**Case No. 8:05CR239**

**ORDER/MEMORANDUM**

This case is before the court on the defendant's Motion to Continue Trial and to Hold a Rule 17.1 Conference (#14-1). The motion was heard on October 26, 2005. The defendant who was not present was represented by Jessica Milburn, Assistant Federal Public Defender. Michael Wellman, Assistant United States Attorney, represented the Government.

After consultation, the parties agreed the Government will produce all discovery on or before December 23, 2005 and trial should be set no sooner than January 23, 2006, to allow the defendant sufficient time to examine the expected voluminous documents.

**IT IS ORDERED:**

1. Based upon the defendant's motion and the defendant's October 13, 2005 Waiver of Speedy Trial (#14-3), the defendant's Motion to Continue Trial (#14-1) is granted.

2. The ends of justice will be served by granting this motion and outweigh the interests of the public and the defendant in a speedy trial, and the additional time arising as a result of the filing of the motion, the time between **October 13, 2005 until the date of trial**, shall be deemed excludable time in any computation of time under the requirement of the Speedy Trial Act, for the reason that defendant's counsel requires additional time to

adequately prepare the case, taking into consideration due diligence of counsel and the novelty and complexity of this case, and the failure to grant additional time might result in a miscarriage of justice. 18 U.S.C. § 3161(h)(8)(A) & (B).

3. The jury trial before the Honorable Joseph F. Bataillon, Chief Judge, is set for **February 6, 2006.**

Dated this 26th day of October 2005.

BY THE COURT:

S/ F.A. Gossett  
United States Magistrate Judge